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10/083,121

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Hiroshi Tsuda

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05/15/2006

STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

NGUYEN, CINDY

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/083,121

Applicant(s)

TSUDA, HIROSHI

Examiner

Cindy Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/21/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-26, 31-39 and 41-43 is/are rejected.
- 7) ☐ Claim(s) 4-9, 27-30, 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 02/21/06 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-9, 26-30, 41, 44-51 and 53 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respected to claims 10-17, 19-37, 39, 40, 42, 43 and 54 have been fully considered but they are not persuasive.

Regarding the Applicant's argument that the Mukai fails to discloses "whether the second document is a non-text document related to contents in the first document". In response, Mukai clearly discloses the second document is a non-text document related to contents in the first document as the graphics determined in accordance with the degrees of importance corresponding to the link information in the document D1 are displayed together with text data by the document display means (col. 6, lines 1-25, Mukai).

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 12/15/05 was filed after the mailing date of the non final rejected on 10/20/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

*Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 41, 42 and 43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims that recite nothing but the physical characteristics of a form of energy such as a frequency, signal or magnetism, per se and as such are nonstatutory natural phenomena. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101. The claimed signal is clearly not a process under § 101 because it is not a series of steps, the claims has no physical structure, does not itself perform any useful, concrete and tangible result and thus does not fit within the definition of a machine.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 26-30, 33, 34, 38, 39, 41, 44-51 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Edlund et al. (US 6546388) (Edlund).

Regarding claims 1, 26 and 41, Golding discloses: a popularity degree calculation method and a computer-readable storage medium that stores a program, and a computer data signal embodied in a carrier wave for calculating a popularity degree indicating the height of a popularity of a document in a network via an apparatus connected with the network, comprising:

extracting the document updated or collected during a first time period (col. 9, lines 25 to col. 10, lines 4, Edlund);

calculating the popularity degree for one of the extracted documents based on a number of link relations of said particular one referencing to the other extracted documents and of said particular one referenced by the other extracted documents during the first time period (col. 3, lines 40-52 and col. 9, lines 55 to col. 10, lines 5, Edlund);

calculating a popularity transition degree indicating both a direction and a degree of transition of the popularity degree for each of the extracted documents during the first time period (col. 3, lines 40-52 and col. 9, lines 55 to col. 10, lines 5, Edlund).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Edlund discloses: wherein the popularity degree is calculated based on both a link relation of each of the extracted documents and

document location information indicating a location in the network of each of the documents (col. 3, lines 40 to col. 4, lines 21, Edlund).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 2 above. In addition, Edlund discloses: wherein the popularity degree is calculated based on features of a character string (query term) describing the document location information (col. 3, lines 40 to col. 4, lines 21, Edlund).

Regarding claim 44, all the limitations of this claim have been noted in the rejection of claim 1. It is therefore rejected as set forth above.

Regarding claims 5, 27 and 45, all the limitations of these claims have been noted in the rejection of claims 4, 26 and 44 above. In addition, Edlund discloses: wherein the popularity transition degree is calculated based on a popularity degree calculated during a second time period (version updated frequency, col. 9, lines 25 to col. 10, lines 4, Edlund).

Regarding claims 6, 28 and 46, all the limitations of these claims have been noted in the rejection of claims 4, 26 and 44 above. In addition, Edlund discloses: further comprising: calculating a regression equation against a time of the popularity degree calculated during the second time period (col. 7, lines 30-64, Edlund).

Regarding claims 7, 29 and 47, all the limitations of these claims have been noted in the rejection of claims 6, 28 and 46 above. In addition, Edlund discloses: wherein the popularity transition degree is calculated based on a regression coefficient of the regression equation (col. 7, lines 30-64, Edlund).

Regarding claims 50 and 51, all the limitations of these claims have been noted in the rejection of claims 1 and 5. It is therefore rejected as set forth above.

Regarding claims 8, 30, 48 and 53, all the limitations of these claims have been noted in the rejection of claims 7, 29, 47 and 51 above. In addition, Edlund discloses: further comprising determining transition tendency against the time of the popularity degree, based on an intercept of the regression equation (col. 7, lines 30-64, Edlund).

Regarding claims 9 and 49, all the limitations of these claims have been noted in the rejection of claims 4 and 44 above. In addition, Golding / Suzuoka discloses: further comprising: determining an order of each document in the extracted documents, based on the popularity degree calculated during the second time period (col. 9, lines 25 to col. 10, lines 4, Edlund).

Regarding claim 33, all the limitations of this claim have been noted in the rejection of claim 1. It is therefore rejected as set forth above. In addition, Edlund discloses: collecting documents from the network (col. 3, lines 40 to col. 4, lines 21, Edlund); retrieving the document meeting retrieval conditions from the collected documents, based on the retrieval conditions (col. 3, lines 40 to col. 4, lines 21, Edlund); ranking the retrieved documents, based on the popularity degree (col. 10, lines 5-10, Edlund); and outputting information about the retrieved documents, based on the ranking result (col. 3, lines 40 to col. 4, lines 21, Edlund).

Regarding claim 34, all the limitations of this claim have been noted in the rejection of claims 33 and 4 above. In addition, Golding/Mukai discloses: adding

information about the popularity transition degree to information about the retrieved documents (col. 3, lines 40 to col. 4, lines 21, Edlund).

Regarding claim 38, all the limitations of this claim have been noted in the rejection of claim 33. In addition, Edlund discloses: receiving from a user registration of both document location information indicating location in the network of a specific document and a value (col. 9, lines 43-50, Edlund); notifying the user of the fact that a popularity degree has reached the value, when the popularity degree for the document specified by the document location information has reached the value (col. 9, lines 53-64, Edlund).

Regarding claim 39, all the limitations of this claim have been noted in the rejection of claims 1, 26 and 33. It is therefore rejected as set forth above.

### ***1. Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 10-17, 19-25, 31, 32, 35-37, 40, 42, 43 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golding et al. (US 20030014501) (Golding) in view of Mukai (U.S 6446095).**



Regarding claims 10, 31 and 42, Golding discloses: a document relation judgment method a computer-readable storage medium that stores a program and a computer data signal embodied in a carrier wave for judging a relation between documents in a network via, comprising: extracting a link relation from a first document (paragraphs 0026, 0029, 0030, Golding); extracting a predetermined character string which links a second document in the first document from (paragraphs 0026, 0029, 0030, Golding). However, Golding didn't discloses: judging whether a second document linked to by the first document is a non-text document related to contents of the first document, based on the link relation. On the other hand, Mukai discloses: judging whether a second document linked to by the first document is a non-text document related to contents of the first document, based on the link relation (col. 5, lines 45-67, col. 11, lines 59-67, Mukai). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the document is a non-text document related to contents of the first document, based on the link relation in the system of Golding as taught by Mukai. The motivation being enabling the document display member for displaying texts in the specific document and the predetermined graphic simultaneously.

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Golding/Mukai discloses: further comprising: extracting the predetermined character string located in a vicinity of a part which the first

document is linking to the second document, from the first document (col. 9, lines 35-65, Golding), wherein it is judged whether the second document is the non-text document related to the contents of the first document, based on the character string (col. 7, lines 15-40, Mukai).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Golding/Mukai discloses: wherein when the predetermined character string includes a specific character string, it is determined that the second document is the non-text document related to the contents of the first document (col. 4, lines 15-40, Mukai).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Golding/Mukai discloses: wherein it is judged whether the second document is the non-text document related to the contents of the first document, based on an extension of a file name of the second document (col. 7, lines 40-63, Mukai).

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 13 above. In addition, Golding/Mukai discloses: wherein if the extension is not a specific extension, it is determined that the second document is not the non-text document related to the contents of the first document (col. 7, lines 40-63, Mukai).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Golding/Mukai discloses: wherein it is judged whether the second document is the non-text document related to the contents of the first document, based on whether the second document is used a prescribed number of times or more in the first document (col. 7, lines 25-63, Mukai).

Regarding claim 16, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Golding/Mukai discloses: wherein if the second document is used the prescribed number of times or more in the first document, it is determined that the second document is not the non-text document related to the contents of the first document (col. 7, lines 15-40, Mukai).

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Golding/Mukai discloses: wherein if the second document is used less than the prescribed number of times in the first document, it is determined that the second document is the non-text document related to the contents of the first document (col. 7, lines 15-40, Mukai).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Golding/Mukai discloses: further comprising judging, if there is a fourth document linked to by the second document, whether the second document is the non-text document related to the contents of the first document,

based on both document location information about the first document indicating location in the network of the document and document location information about the second document (col. 4, lines 55 to col. 5, lines 11, Mukai).

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Golding/Mukai discloses: wherein it is judged whether the second document is the non-text document related to the contents of the first document, based on both the document location information about the first document and document location information about the fourth document (col. 9, lines 29-41, Mukai).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Golding/Mukai discloses: wherein if a fifth document is linked to by the second document and if a server address or a domain in each of the document location information about the second document indicating location in the network of the document and document location information about the fifth document is different from a server address or a domain in document location information about the first document, it is determined that the second document is not the non-text document related to the contents of the first document (col. 9, lines 29-41, Mukai).

Regarding claims 22, 32 and 43, all the limitations of these claims have been noted in the rejection of claims 1 and 10. It is therefore rejected as set forth above.

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Golding/Mukai discloses: further comprising:

determining that the document provides no service, if the document includes no tag designating user input (col. 8, lines 20-23, Mukai).

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Golding/Mukai discloses: wherein the service type provided by the document is judged based on the description of a button included in the document (col. 8, lines 20-23, Mukai).

Regarding claim 25, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Golding/Mukai discloses: wherein the service type provided by the document is judged based on a user input area included in the document (col. 8, lines 34-39, Mukai).

Regarding claim 35, all the limitations of this claim have been noted in the rejection of claim 33. In addition, Golding/Mukai discloses: further comprising: judging whether another document linked to by the document is a non-text document related to the contents of the document, based on the link relation (col. 8, lines 1-39, Mukai); and adding the information about the related non-text document to the information about the retrieved documents (col. 8, lines 1-39, Mukai).

Regarding claim 36, all the limitations of this claim have been noted in the rejection of claim 35. In addition, Golding/Mukai discloses: further comprising: embedding the information about the related non-text document into the related non-text document (col. 8, lines 15-30, Mukai).

Regarding claim 37, all the limitations of this claim have been noted in the rejection of claims 33, 22 and 23. It is therefore rejected as set forth above.

Regarding claim 40, all the limitations of this claim have been noted in the rejection of claims 1, 5, 10, 23 and 33. It is therefore rejected as set forth above. In addition, Golding/Mukai discloses: a sorting unit hierarchically sorting the collected documents for each area (paragraphs 0026, 0029, 0030, Golding).

Regarding claim 54, all the limitations of this claim have been noted in the rejection of claims 33 and 38. It is therefore rejected as set forth above.

**3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Golding et al. (US 6546388) (Golding) in view of Mukai (U.S 6446095) and further in view of Page (U.S 6285999).**

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 10 above. However, Golding/Mukai didn't disclose: not registering the second document in a database as the non-text document related to the contents of the first document, if the first document includes a third document with a file name similar to a file name of the second document and if the file name of the second document is ranked lower than the file name of the third document in a dictionary order. However, Page discloses: not registering the second document in a database as the non-text document related to the contents of the first document, if the first document includes a third document with a file name similar to a file name of the second document and if the

file name of the second document is ranked lower than the file name of the third document in a dictionary order (col. 8, lines 21-48, Page). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the second document in a database as the non-text document related to the contents of the first document, if the first document includes a third document with a file name similar to a file name of the second document and if the file name of the second document is ranked lower than the file name of the third document in a dictionary order. in the system of Golding/Mukai as taught by Page. The motivation being to provide the list of documents is sorted with high ranking documents first and low ranking documents last (col. 8, lines 21-48, Page).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*cn*

Cindy Nguyen

May 9, 2006

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**